

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  ED HENKELMAN,  Complainant, v.  INTERSTATE POWER AND LIGHT COMPANY  Respondent.	DOCKET NO. C-02-318
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**ORDER DENYING REQUEST FOR FORMAL PROCEEDING**

(Issued November 4, 2002)

On October 15, 2002, Mr. Ed Henkelman filed with the Utilities Board (Board) a request for formal complaint proceedings pursuant to 199 IAC 6.5, asking that the Board docket the proposed resolution issued in C-02-318, relating to Interstate Power and Light Company (IPL). Based upon the record assembled in the informal complaint proceedings (which are a part of the record in this formal complaint proceeding pursuant to 199 IAC 6.7), the events to date can be summarized as follows:

On September 13, 2002, Mr. Henkelman filed a complaint with the Board alleging that IPL had imposed excessive charges for connecting utility services to his new home in Ashton, Iowa. Those charges consisted of the following:

Temporary electric meter set:	\$32.00
Temporary meter installation	96.00
Gas service connector	68.99
<u>New electric service, underground</u>	<u>290.08</u>
Total	\$487.07

Pursuant to Board rules, Mr. Henkelman's written complaint was forwarded to IPL for a response.

On October 3, 2002, IPL filed its response. IPL states that Mr. Henkelman was given the option of underground or overhead electric service and chose underground. Pursuant to § 11.05A of IPL's approved tariff, the charge to a customer for new underground electric service is offset by an amount equivalent to the cost of a 50-foot overhead service drop (the maximum length of overhead service that would be provided to a customer for no additional charge). According to the October 3, 2002, response, the length of Mr. Henkelman's underground service was 101 feet and the credit was the equivalent of 26 feet, so he was charged for 75 feet of underground service. (Subsequently, IPL amended this statement to indicate that the total length of the underground service was 75 feet, the credit was the equivalent of 26 feet, and Mr. Henkelman was therefore charged for the remaining distance, which IPL characterized as 39 feet. Mathematically, however, it appears the correct chargeable distance was 49 feet.)

IPL's October 3, 2002, response goes on to state that Mr. Henkelman's service needs required installation of a temporary service pole, which cost \$96.00. IPL admitted the \$32 charge for a temporary meter set was incorrect and IPL accordingly credited Mr. Henkelman's account for that amount.

Finally, IPL stated that Mr. Henkelman's natural gas service extension was provided at no cost, but Mr. Henkelman's plumber did not have the necessary connection for use on Mr. Henkelman's side of the meter, so IPL sold the necessary parts to the plumber and charged the amount to Mr. Henkelman's account.

On October 4, 2002, Board staff issued a proposed resolution summarizing the circumstances described above and concluding that IPL's charges were appropriate (once the erroneous temporary meter set charge had been corrected).

On October 15, 2002, Mr. Henkelman sent a letter stating his disagreement with the proposed resolution. In the letter, Mr. Henkelman indicates his belief that "facts are in dispute and some charges are in error," but he offers no further explanation. Instead, he indicates he will request a formal proceeding.

Board staff responded to the customer by letter dated October 16, 2002, informing him that he did not specify the facts or charges he disputes and offering him the opportunity to provide that additional information, in writing, at which time Board staff would consider reopening the case.

On October 23, 2002, Mr. Henkelman filed another letter stating only that he disagrees with the proposed resolution and asking that the formal proceeding be scheduled.

Mr. Henkelman's letters of October 15 and 23, 2002, do not fully comply with the Board's requirements for requests for formal complaint proceedings, see 199 IAC 6.5(2). However, it is not always appropriate to strictly apply the Board's procedural rules to individual customer complaints and the Board will treat Mr. Henkelman's letters, taken together, as a timely request for formal complaint proceedings.

Iowa Code § 476.3 (2002) provides, in relevant part, that the Board shall grant a request for formal complaint proceedings whenever the Board determines there are reasonable grounds for investigating a complaint. Here, the Board is unable to find any reasonable grounds for further investigation. IPL's response of October 3, 2002, appears to provide an adequate description of the charges applied to this customer. The charges do not, on their face, appear to be unreasonable. In the end, the only basis for Mr. Henkelman's complaint appears to be that the charges were higher than he expected, which is not, by itself, a reasonable basis for initiating formal complaint proceedings. Accordingly, Mr. Henkelman's request for formal complaint proceedings will be denied.

**IT IS THEREFORE ORDERED:**

The request for formal proceedings filed on October 15 and 23, 2002, is denied, pursuant to Iowa Code § 476.3 (2001).

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 4<sup>th</sup> day of November, 2002.